



## RECORD OF PROCEEDING

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### MEETING OF THE CITY COUNCIL OF THE CITY OF CHESTERFIELD AT 690 CHESTERFIELD PARKWAY WEST

**February 21, 2007**

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The meeting was called to order at 7 p.m.

Mayor Nations led everyone in the Pledge of Allegiance and followed with a moment of silent prayer.

A roll call was taken with the following results:

#### PRESENT

Mayor John Nations  
Councilmember Barry Flachsbart  
Councilmember Bruce Geiger  
Councilmember Dan Hurt  
Councilmember Mike Casey  
Councilmember Mary K. Brown  
Councilmember Connie Fults

#### ABSENT

Councilmember Jane Durrell  
Councilmember Barry Streeter

#### APPROVAL OF MINUTES

The minutes of the February 5, 2007, City Council meeting were submitted for approval. Councilmember Casey made a motion, seconded by Councilmember Flachsbart, to approve the City Council minutes. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

#### INTRODUCTORY REMARKS

Mayor Nations announced that the March 5 City Council meeting would take place at the Chesterfield YMCA in recognition of "Youth in Government Day". The meeting will begin at 7:15 p.m.

## **COMMUNICATIONS AND PETITIONS**

Jay Chambers, representing Spirit Energy, requested that their request to withdraw their petition (P.Z. 17-2006), without prejudice, be approved by City Council. Mayor Nations noted that this request would be considered, later in the meeting.

## **COUNCIL COMMITTEE REPORTS**

### **Public Health and Safety Committee**

Councilmember Barry Flachsbart, Chairperson of the Public Health and Safety Committee, announced that the next meeting of this Committee has been scheduled for Monday, February 26 at 7:30 a.m.

### **Public Works/Parks Committee**

Councilmember Dan Hurt, Chairperson of the Public Works/Parks Committee, reported that Bill No. 2521 (Installation of Fire Hydrants on North Outer Forty Road) will be considered for adoption under the “Legislation” portion of the agenda.

Councilmember Hurt announced that the next meeting of this Committee has been scheduled for February 27 at 7:30 a.m.

### **Planning and Zoning Committee**

Councilmember Mary Brown, Chairperson of the Planning and Zoning Committee, reported that there has been a Protest Petition filed against P.Z. 5-2005 – Winter Wheat Place (Dollar Building Company). With this in mind, Councilmember Brown made a motion, seconded by Councilmember Fults, to schedule a public hearing, at the March 8 meeting of the P&Z Committee. That meeting will begin at 5:30pm. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Brown next made a motion to approve a request to withdraw P.Z. 17-2006 (13506 Olive – Spirit Energy) “without prejudice”. The motion was seconded by Councilmember Fults. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Councilmember Brown next announced that Bill No. 2522 (P.Z. 11-2006, Blacks Ridge Office Building (Brinkman Construction) will be read for the first time and Bill No. 2517 (P.Z. 20-2006 – Mayor Manors, Inc. (Chesterfield Manors) will be considered for adoption under the “Legislation – Planning Commission” portion of the agenda.

Councilmember Brown announced that the next meeting of this Committee has been scheduled for February 22 at 5:30 p.m.

## **REPORT OF THE CITY ADMINISTRATOR**

City Administrator Mike Herring reported that bids were recently sought for the purchase and placement of mulching material within various rights-of-way, at the CVAC, City Hall, Central Park and the Dierberg's Park. Based upon the recommendation submitted to him by Director of Parks, Recreation and Arts Darren Dunkle, he joined with him in recommending award of a contract to Express Mulch, in an amount not to exceed \$37,212. Mr. Herring noted that the FY2007 Parks Budget contains adequate funds to cover this entire amount. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to Express Mulch, in an amount not to exceed \$37,212. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that passage of **Resolution #336** would authorize him to sign a contract, between the City of Chesterfield and Chesterfield Arts. This request is based upon the decision made by City Council to provide funding support, via the FY2007 Budget, which was approved in December, 2006. The contract, which is attached to Resolution #336, was prepared by City Attorney Heggie and has been reviewed/approved by Chesterfield Arts. Councilmember Geiger made a motion, seconded by Councilmember Casey, to adopt **Resolution #336**. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that as authorized by the Public Works/Parks Committee, he originally forwarded the proposed "License Agreement", attached to **Resolution #337**, to THF, in late November, 2006. Following a policy established by City Council, THF's proposal, for the placement of "public art", was first reviewed and recommended for approval by Chesterfield Arts. This "public art" has been placed adjacent to Edison Avenue, behind the Lowe's Home Improvement Center, by THF, at NO COST to the City of Chesterfield. Since the Public Works/Parks Committee voted to recommend approval of this agreement and THF has now signed and returned said agreement, passage of **Resolution #337**, by City Council, will now authorize the City Administrator to sign the agreement, on behalf of the City of Chesterfield. Councilmember Casey made a motion, seconded by Councilmember Brown, to authorize the City Administrator to sign the agreement, on behalf of the City of Chesterfield for the placement of "public art". A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that proposals were recently sought for "supplemental, professional testing services". Based upon a review of the information provided to him, Mr. Herring joined with Deputy Director of Public Works Brian McGownd in recommending award of a contract to Gateway Geotechnical, LLC. There is \$12,000 budgeted, within the FY2007 Budget and Staff has confirmed that the budgeted amount will be sufficient to cover the work that will be needed. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to Gateway Geotechnical, LLC, for these services. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for construction inspection services. Mr. Herring joined with Mr. McGownd in recommending that City Council authorize Staff to contract with the following four (4) firms, to provide these services: Midwest Engineering; SCI Engineering; Shively Geotechnical; Shannon and Wilson. Mr. Herring noted that there is \$200,000 budgeted, within the FY2007 Budget and Staff has confirmed that the budgeted amount will be sufficient to cover the work that will be needed. Councilmember Flachsbart made a motion, seconded by Councilmember Casey, to award a contract to Midwest Engineering; SCI Engineering; Shively Geotechnical; Shannon and Wilson for construction services. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for "annual street reconstruction projects" within Area "A", funded by the 1/2 Cent Sales Tax for Capital Improvements. Based upon a review of the information he received from Mr. McGownd, he joined with him in recommending that City Council award a contract to L. Krupp Construction, Inc., in an amount not to exceed \$880,000. Adequate funds exist within the FY2007 Budget, to cover this entire expense. Councilmember Hurt made a motion seconded by Councilmember Casey, to award a contract to L. Krupp Construction, Inc., in an amount not to exceed \$880,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed.

Mr. Herring next reported that bids were recently sought for "annual street reconstruction projects" within Area "B", funded by the 1/2 Cent Sales Tax for Capital Improvements. Based upon a review of the information he received from Mr. McGownd, Mr. Herring joined with him in recommending that City Council award a contract to Amcon Municipal Concrete, in an amount not to exceed \$750,000. Adequate funds exist within the FY2007 Budget, to cover this entire expense. Councilmember Flachsbart made a motion, seconded by Councilmember Brown, to award a contract to Amcon Municipal Concrete, in an amount not to exceed \$750,000. A voice vote was taken with a unanimous affirmative result and the motion was declared passed

## **LEGISLATION**

**BILL NO. 2521** APPROVES THE INSTALLATION OF FIRE HYDRANTS ON NORTH OUTER FORTY ROAD, LOCATED WITHIN THE CITY OF CHESTERFIELD (**FIRST AND SECOND READINGS; PUBLIC WORKS/PARKS COMMITTEE**)

Councilmember Hurt made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2521. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2521 was read for the first time.

Councilmember made a motion, seconded by Councilmember, for a second reading of Bill No. 2521. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2521 was read for the second time. A roll call vote was taken for passage and approval of Bill No. 2521, with the following results: Ayes – Fults, Flachsbart, Casey, Geiger, Hurt, and Brown. Nays - None. Whereupon, Mayor Nations declared Bill No. 2521 approved, passed it and it became **ORDINANCE NO. 2339**.

## **LEGISLATION – PLANNING COMMISSION**

**BILL NO. 2517** AMENDS THE ZONING ORDINANCE OF THE CITY OF CHESTERFIELD BY CHANGING THE BOUNDARIES OF AN "NU" NON-URBAN DISTRICT TO AN "E-ONE ACRE" ESTATE DISTRICT FOR A 4.3 ACRE TRACT OF LAND LOCATED NORTH OF CRIPPLE CREEK ROAD AND WEST OF WILD HORSE RIDGE ROAD (P.Z. 20-2006, MAYER MANORS, INC (CHESTERFIELD MANORS) (**SECOND READING - PLANNING COMMISSION RECOMMENDS APPROVAL; P&Z COMMITTEE RECOMMENDS DENIAL**)

Councilmember Brown made a motion, seconded by Councilmember Casey, for a second reading of Bill No. 2517. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2517 was read for the second time. Councilmembers Hurt, Geiger and Fults expressed their concerns with the change in the complexion of the neighborhood, due to the existing homes being on large lots. Mr. Heggie noted that the Planning and Zoning Committee of Council and City Council have given the developers clear direction as to what they feel would be acceptable to this parcel of land based on the surrounding properties. Mayor Nations noted that no one representing Chesterfield Manors was present. Councilmember Brown noted that no one representing this petition showed any type of cooperation with the City. Councilmember Hurt requested that City Attorney Rob Heggie send a letter to the developer informing them of the process for reconsideration. Councilmember Flachsbart made a motion, seconded by Councilmember Fults, to suspend the rules and recognize Tom Fleming, a resident who lives on the adjacent property from the proposed development. A voice vote was taken, with a unanimous affirmative result, and the motion was declared passed. Mr. Fleming stated that at the last Planning and Zoning Committee meeting, the developer stated that he does not desire to come back to City Council with another proposal. A roll call vote was taken for passage and approval of Bill No. 2521, with the following results: Ayes – None. Nays – Brown, Geiger, Casey, Flachsbart, Hurt, Fults. Whereupon, Mayor Nations declared **BILL NO. 2517 as DEFEATED**.

**BILL NO. 2522** REPEALS CITY OF CHESTERFIELD ORDINANCE NUMBERS 1413, 1495 AND 1557 TO ALLOW FOR AN AMENDMENT TO THE PERMITTED USES FOR A "PC" PLANNED COMMERCIAL DISTRICT FOR A 4.26-ACRE TRACT OF LAND, LOCATED ON THE NORTH SIDE OF SWINGLEY

RIDGE ROAD, WEST OF OLIVE BOULEVARD (P.Z. 11-2006,  
BLACKS RIDGE OFFICE BUILDING {BRINKMAN  
CONSTRUCTION}) (**FIRST READING; PLANNING  
COMMISSION RECOMMENDS APPROVAL**)

Councilmember Brown made a motion, seconded by Councilmember Casey, for the first reading of Bill No. 2522. A voice vote was taken with a unanimous affirmative result and the motion was declared passed. Bill No. 2522 was read for the first time.

**ADJOURNMENT**

Mayor Nations adjourned the meeting at 7:30 p.m.

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Mayor John Nations

**ATTEST:**

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Martha L. DeMay, City Clerk